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March 22, 2002

**Via E-Mail**

Mr. Sam McClerren  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Re: Comments on Version 2a of Staff's  
Draft Wholesale Service Quality Rule

Dear Mr. McClerren:

PrimeCo Personal Communications ("PrimeCo") submits the following comments regarding Version 2a of Staff's Draft Wholesale Service Quality Rule ("Draft Rule").

I. Comments on Section 731.105 "Definitions"

During the last workshop, parties discussed whether the acronym "FOC" should be defined to mean Firm Order Commitment or Firm Order Confirmation, the essential difference being notice of a firm installation date versus acknowledgement of a carrier's request for service. With respect to special access service requests made by wireless carriers, the established industry practice has been to receive Firm Order Commitments setting forth the date on which service will be installed. During the time period between a wireless carrier's request for service and its receipt of an "FOC", the providing carrier completes all of the engineering work required to install the requested service. Thereafter, the providing carrier provisions the requested service. Accordingly, if the acronym "FOC" is defined to mean Firm Order Confirmation in the proposed rule Staff eventually files with the Commission, then wireless carriers will need a measure similar to the "Engineering Complete ("EC")" measure described in PrimeCo's prior

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submissions to Staff.<sup>1</sup> Because the engineering function and the provisioning, i.e., construction, function are distinct tasks performed by entirely different LEC business units, the needs of wireless carriers cannot reasonably be satisfied by making the “Provisioning” standard long enough to encompass both engineering and provisioning. During such an extended “Provisioning” period, a wireless carrier would have no way, short of directing various inquiries to the LEC, of pin-pointing whether any potential problems with its service request were engineering related or instead provisioning related. Accordingly, a convenient means of tracking engineering should be available, such as via an EC measure.

During the workshop, parties also expressed some concern about the breadth of the definition of “Wholesale Out of Service”. The general consensus seemed to be that the definition should be revised to ensure conformity with the definition of “out-of-service” used in connection with retail dial-tone services and supplemented with language defining when non-dial-tone services should be considered “out-of-service”. With respect to non-dial-tone special access services, PrimeCo suggests that Staff include the following language in the revised definition of “Wholesale Out of Service”: “a situation in which a circuit is incapable of transporting electrical signals representing voice and/or data”.

## II. Comments on Section 731.300 “General Plan Requirements” for Level 1 Carriers

As previously explained, there are circumstance in which performance standards should differ depending on the type of wholesale customer a provider is serving. For example, the appropriate performance standard for “Repair Time” on special access circuits used by a CLEC may be twenty-four hours because a faulty special access circuit typically affects only one of the CLEC’s customers. For a wireless carrier, however, a faulty special access circuit may impact many hundreds of customers. In geographic areas where wireless telecommunications services are provided via a single cell site, the failure of a special access circuit serving that cell site can result in the termination of all on-going telephone calls and prevent any customers within the range of that site from initiating or receiving telephone calls. Accordingly, Section 731.300 of the Draft Rule should be revised to permit differentiation in appropriate standards. Specifically, Section 731.300 should be revised to state:

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<sup>1</sup> PrimeCo previously defined “EC” as a measure designed to reflect the percentage of instances where a LEC timely completes all required engineering (including both outside and inside engineering) expressed as a percentage of the total number of Engineering Complete Commitment (“ECC”) dates falling within a specified time period (excluding verified CNR situations). A LEC would have to be required to provide an ECC date within a specified time period following the wireless carrier’s request for service or the Firm Order Confirmation due date.

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Section 731.300 – General Plan Requirements

Each Wholesale Service Quality Plan shall include, at a minimum, the following components.

- a) A comprehensive set of wholesale measures and standards covering all necessary parts of a carrier's interaction with their wholesale customers. e measures and standards should include, but not be limited to, the following activities; pre-ordering, ordering; provisioning, maintenance and repair, billing and change management. See section 731.305. Further, where appropriate, the standards included in a plan may differ depending on the type of carrier requesting service.

III. Comments on Section 731.305 “Services Covered” for Level 1 Carriers

Section 731.300(a) of the Draft Rule requires Level 1 carriers to include in their wholesale service quality plans “[a] comprehensive set of wholesale measures and standards covering all necessary parts of a carrier's interaction with their wholesale customers.”

As PrimeCo previously has advised Staff, PrimeCo must utilize special access services to provide wireless telecommunications services to its customers. Thus, special access services constitute “necessary parts of a carrier's interaction with their wholesale customers” like PrimeCo. (See § 731.300(a) of the Draft Rule.) Accordingly, pursuant to Sections 731.300(a) and 731.310, Level 1 carriers should be required to include special access performance measures and standards in their wholesale service quality plans.

Notwithstanding the foregoing, the Draft Rule does not require Level 1 carriers (or Level 2 carriers) to include special access performance measures and standards in their wholesale service quality plans. The Draft Rule only permits Level 1 carriers to include special access performance measures and standards in their plans. (See § 731.305 (“The services to be covered for a Level 1 carrier may include wholesale special access services.”) (emphasis added).<sup>2</sup>

Consequently, a threshold issue that wireless carriers will have to address in each and every wholesale service quality plan docket will be whether the carrier proposing the plan should

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<sup>2</sup> Significantly, no carrier's previously adopted plan or preexisting plan includes special access performance measures and standards (or remedies therefore) and it is unlikely that any carrier voluntarily will include such performance measures and standards in their plans prior to filing those plans with the Commission for approval pursuant to Part 731.

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be required to include special access performance measures and standards in its plan. Only after that threshold issue is resolved, which may require a determination by the Commission, will the carrier be required to turn its attention to determining and submitting special access performance measures and standards to the Commission for approval.

As set forth in Section 731.300 of the Draft Rule, the special access performance measures and standards a carrier may be required to submit will have to include, among other things, fully defined business rules, self-executing remedies sufficient to modify the carrier's behavior, and established benchmarks and standards sufficient to determine the minimum performance level the carrier will provide. To the extent the carrier's special access performance measures and standards do not satisfy these and other requirements included in Section 731.300, wireless carriers will have to litigate issues relating to the deficiencies in the carrier's proposed measures and standards. Thus, the Draft Rule essentially may require wireless carriers to make two trips to the Commission before any special access performance measures and standards will take effect. This two step process will unreasonably and unnecessarily lengthen the plan approval process for special access service performance measures and standards and will substantially increase the costs of such a proceeding.

The foregoing is particularly true when considered in conjunction with Section 731.230 of the Draft Rule, which continues the effectiveness of performance measures and standards included in previously adopted plans and/or preexisting plans effective until the Commission approves plans pursuant to Part 731. (See § 731.230.) Because such plans do not include special access performance measures and standards, wireless carriers effectively will have to wait longer than other carriers to benefit from the legislature's direction to the Commission to adopt wholesale service quality rules.

For the reasons set forth above, Section 731.305 of the Draft Rule should be revised to require Level 1 carriers to include special access performance measures and standards in their plans. In particular, Section 731.305 should be revised to state:

The services to be covered for a Level 1 carrier shall include, but not be limited to, those Wholesale Services covered in such carrier's most recently adopted Wholesale Service Quality Plan or, if such carrier does not have a previously adopted Wholesale Services Quality Plan but does have a Preexisting Plan, those Wholesale Services covered in such carrier's Preexisting Plan. The services to be covered for a Level 1 carrier ~~may~~shall include wholesale special access services. The Commission may, for good cause shown, (i) include Wholesale Services not yet provided by the carrier (including but not limited to emerging services) or (ii) exclude specific Wholesale Services in adopting each carrier's Wholesale Service Quality Plan.

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IV. Comments on Sections 731.600 “Services Covered”,  
Section 731.605 “Measures and Standards” and Section 731.610  
“Remedies” for Level 2 Carriers

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Relevant sections of the Draft Rule applicable to Level 2 carriers also should be revised to address special access performance measures and standards. Currently, special access services are not included in the list of wholesale services in connection with which Level 2 carriers must satisfy performance standards. (See § 731.600.) Accordingly, wireless carriers that seek to obtain special access services from non-Level 1 carriers will have no formal assurance that such carriers will provide special access services that satisfy even minimum standards of quality or that such carriers will pay adequate remedies in the event they fail to provide satisfactory service (unless the providing carriers agree to include performance measures, standards and adequate remedies in their service agreements). This situation essentially ensures that wireless carriers will have to obtain most, if not all, special access services from Level 1 carriers.

For the reasons set forth above, the following sections of the Draft Rule, as it applies to Level 2 carriers, should be revised:

Section 731.600 – Services Covered and Exemption from Reporting Requirements

- a) Services Covered. Unless otherwise indicated in this Subpart, the provisions of Subpart F are applicable to a Level 2 carrier to the extent the Level 2 carrier provides or offers the applicable service. Level 2 carriers shall be subject to wholesale service quality standards as provided below for the following services, to the extent the carrier offers or provides the service:
  - 1) Unbundled Local Loops;
  - 2) Interconnection Trunks;
  - 3) Resold Local Services;
  - 4) Collocation;
  - 5) Loss Notification; ~~and~~
  - 6) Customer Service Record;
  - 7) Wholesale Special Access Services; and
  - 8) Wireless Wholesale Special Access Services.
- b) Exemption from Reporting Requirements. Level 2 carriers may receive an exemption from the reporting requirements of Section 731.620, on a service by service basis, if the volume of such services on an aggregate basis for any consecutive 6 month period is not equal to or greater than the threshold levels indicated below for at least 2 out of the 6 months.

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- 1) Unbundled Local Loops, (threshold, 10 orders per month);
- 2) Interconnection Trunks, (threshold, 5 orders per month);
- 3) Resold Local Services, (threshold, 10 orders per month); and
- 4) Collocation, (threshold, 2 per quarter)
- 5) Loss Notification (threshold, \_\_\_\_\_)
- 6) Customer Service Record (threshold, \_\_\_\_\_)
- 7) Wholesale Special Access Services (threshold, \_\_\_\_\_ orders per month)
- 8) Wireless Wholesale Special Access Services (threshold, 5 orders per month)

Section 731.605 Measures and Standards

- a) Firm Order Commitments - Level 2 Carrier shall provide FOCs or reject notices for Wholesale Services within the following timeframes, as measured from the time of receipt of an accurate and complete service request to the return of a FOC or reject notice:
  - 1) Unbundled Local Loops - within 24 hours
  - 2) Interconnection Trunks - within 10 business days
  - 3) Resold Local Services - within 24 hours
  - 4) Collocation - within 10 business days
  - 5) Wholesale Special Access Services - within \_\_\_\_\_
  - 6) Wireless Wholesale Special Access Services - within 10 days<sup>3</sup>
- b) Provisioning - Level 2 Carriers shall provision wholesale services within the following timeframes, as measured from the time of receipt of a complete and accurate service request to completion of the requested service:
  - 1) Unbundled Local Loops - within 5 business days
  - 2) Interconnection Trunks - within 30 business days
  - 3) Resold Local Services - within 5 business days
  - 4) Collocation - within 90 business days
  - 5) Wholesale Special Access Services - within \_\_\_\_\_ business days
  - 6) Wireless Wholesale Special Access Services - within 30 business days

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<sup>3</sup> Per the discussion regarding the "FOC" acronym at pp. 1-2 of this correspondence, for wireless carriers, "FOC" currently includes the engineering process. If "FOC" is re-defined to mean Firm Order Confirmation, the above proposed standard for "FOC" should be revised to be 24 hours and an "EC" standard of 10 business days should be included in the rule.

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- c) Maintenance and Repair - Level 2 Carriers shall clear Wholesale Out of Service trouble reports within the following intervals, as measured from the time of receipt of an accurate and complete trouble report to the time the trouble report is cleared:
- 1) Unbundled Local Loops - within 24 hours
  - 2) Interconnection Trunks - within 8 hours
  - 3) Resold Local Services - within 24 hours
  - 4) Collocation - within 8 hours
  - 5) Wholesale Special Access Services - within    hours
  - 6) Wireless Wholesale Special Access Services - within 3 hours

Section 731.610 Remedies

- a) If a Level 2 Carrier fails to comply with Section 731.605 of this Part, it shall provide credits to the purchasing Carrier in the following amounts:
- 1) For Firm Order Commitment and Reject Notice Failures, Level 2 Carriers provide credits as follows:
    - A) Unbundled Local Loops - \$ 10 per loop order, per business day
    - B) Interconnection Trunks - \$50 per trunk order, per business day
    - C) Resold Local Services - \$ 10 per service order, per business day
    - D) Collocation - \$50 per day over standard, per business day
    - E) Wholesale Special Access Services - \$       per circuit, per business day
    - F) Wireless Wholesale Special Access Services - \$20 per circuit, per business day
  - 2) For Provisioning Failures - Level 2 Carriers shall provide credits as follows:
    - A) Unbundled Local Loops - \$ 10 per loop, per business day
    - B) Interconnection Trunks - \$ 100 per trunk, per business day
    - C) Resold Local Services - \$ 10 per service, per business day
    - D) Collocation - \$ 200 per day over standard, per business day
    - E) Wholesale Special Access Services - \$       per circuit, per business day
    - F) Wireless Wholesale Special Access Services - \$20 per circuit, per business day

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- 3) For Maintenance and Repair Failures - Level 2 Carriers shall provide credits as follows:
- A) Unbundled Local Loops - \$ 10 per loop, per day
  - B) Interconnection Trunks - \$50 per trunk, per day
  - C) Resold Local Services - \$20 per service, per day
  - D) Collocation - \$ 20 per hour over standard, per day
  - E) Wholesale Special Access Services - \$ per
  - F) Wireless Wholesale Special Access Services - \$5 per hour

If you have any question or comments regarding the foregoing, please do not hesitate to call.

Very truly yours,

John W. McCaffrey

cc: Mr. Kenneth Borner  
Kathleen Pasulka-Brown, Esq.